

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RAJEEYAH WILSON, STALIN JAVIER
EUSEBIO and NANCY L. PATNUDE, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

SMARTFOODS, INC., and PEPSICO, INC.,

Defendants.

No. 1:24-cv-12814-LCJ

Hon. Lindsay C. Jenkins

DEFENDANTS' MOTION TO DISMISS THE CLASS ACTION COMPLAINT
PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)

Defendants Smartfoods, Inc. and PepsiCo, Inc. ("PepsiCo") hereby move the Court to dismiss Plaintiff's Class Action Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). PepsiCo has set forth the bases for dismissal in an accompanying Memorandum.

WHEREFORE, PepsiCo respectfully requests the Court enter an Order dismissing the Class Action Complaint in its entirety with prejudice, and for any other further relief the Court deems appropriate.

DATED: February 14, 2025

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By: /s/ Charles C. Sipos

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*Attorneys for Defendants
Smartfoods, Inc. and PepsiCo, Inc.*

CERTIFICATE OF SERVICE

I, June Starr, certify that on February 14, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 14th day of February, 2025.

/s/ June Starr

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